

Notice of Development of Rulemaking

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO: RULE TITLE

62-302.800: Site Specific Alternative Criteria

PURPOSE AND EFFECT: Florida Power and Light, Inc. (FPL), has submitted a petition to initiate rulemaking to establish a Site Specific Alternative Criterion (SSAC) for Total Ammonia Nitrogen (TAN) in the Northwest Mitigation Area wetlands and Barley Barber Swamp in Martin County, Florida. The waterbodies are both classified as Class III waters, with a designated use of “Fish Consumption; Recreation; Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife.” The draft SSAC is consistent with USEPA’s Chronic Criterion Magnitude for TAN for waters where unionid mussels are absent and Early Life Stage fish protection is maintained. FPL has demonstrated that unionid mussels are not present in the mitigation area or Barley Barber Swamp. The draft rule amendment would revise the surface water quality criterion for TAN in these waterbodies. The draft SSAC for TAN is intended to fully protect its Class III designated use.

Comments on the draft SSAC may be submitted through October 21, 2020 to Kaitlyn Sutton, Standards Development Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone 850/245-8819; email Kaitlyn.sutton@floridadep.gov.

SUBJECT AREA TO BE ADDRESSED: The draft rule amendment would revise the surface water quality criterion for TAN in the Northwest Mitigation Area wetlands and Barley Barber Swamp in Martin County, Florida. The SSAC is derived using EPA’s Chronic Criterion Magnitude for TAN for waters where mussels are absent and Early Life Stage fish protection is required.

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805, F.S.

LAW IMPLEMENTED: 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.502, F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 7, 2020, 9:00 a.m.

PLACE: Webinar Registration: <https://attendee.gotowebinar.com/register/2234527994596723468>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kaitlyn Sutton at (850)245-8819 or via email at Kaitlyn.sutton@floridadep.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaitlyn Sutton, Standards Development Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone 850/245-8819; email Kaitlyn.sutton@floridadep.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-302.800 Site Specific Alternative Criteria

(1) through (5) No change.

(6) Type II site specific alternative criteria apply to the water bodies, or portions of the water bodies, listed below. For dissolved oxygen site specific alternative criteria, normal daily and seasonal fluctuations above the levels listed in the table below shall be maintained. For site specific alternative criteria with seasonal limits, the generally applicable criteria in Rule 62-302.530, F.A.C., apply at other times of the year.

(a) through (e) No change.

<u>(f) Northwest Mitigation Area wetlands and Barley Barber Swamp, as delineated on</u>	<u>The 30-day average TAN value shall not exceed the average of the values calculated from the following equation, with no single value exceeding 2.5 times the value from the equation:</u> $30 - day\ Average = 0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times MIN \left(6.920, (7.547 \times 10^{0.028(20 - T)}) \right)$	<u>Martin</u>
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the map titled “Northwest Mitigation Area Wetlands and Barley Barber Swamp Total Ammonia Nitrogen (TAN) SSAC Boundary,” dated August 2020, which is incorporated by reference herein. Copies of this document may be obtained by writing to the Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Class III.	<u><i>T</i> and <i>pH</i> are defined as the paired temperature (°C) and pH associated with the TAN sample.</u> <u>MIN is the minimum of either 6.920 or $7.547 \times 10^{0.028(20-T)}$.</u> <u>For purposes of TAN criteria calculations, pH is subject to the range of 6.5 to 9.0. The pH shall be set at 6.5 if measured pH is < 6.5 and set at 9.0 if the measured pH is > 9.0.</u> <u>Calculated values are expressed as milligrams/L as Total Ammonia Nitrogen (TAN = $\text{NH}_4^+ + \text{NH}_3$).</u>	
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Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.502 FS. History—Formerly 17-3.05(4), Amended 3-1-79, 10-2-80, 2-1-83, Formerly 17-3.031, Amended 6-17-92, Formerly 17-302.800, Amended 5-15-02, 1-9-06, 6-28-06, 12-7-06, 8-5-07, 8-5-10, 7-3-12, 8-1-13, 10-6-14, 2-17-16, _____.